



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

KELLY E. JONES,)	ORDER ADOPTING INITIAL DECISION
PETITIONER)	SETTLEMENT
v.)	
)	BPU DOCKET NO. GC07010020U
ELIZABETHTOWN GAS COMPANY,)	OAL DOCKET NOS. PUC12717-07
RESPONDENT)	& PUC07830-07

(SERVICE LIST ATTACHED)

BY THE BOARD:

On January 12, 2007, Kelly E. Jones (Petitioner) filed a petition with the Board disputing a billing of Elizabethtown Gas Company (Respondent).

After the filing of Respondent's answer, the Board transmitted this matter to the Office of Administrative Law (OAL) for hearing and initial disposition as a contested case pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. This matter was assigned to Administrative Law (ALJ) Judge Barry E. Moscovitz.

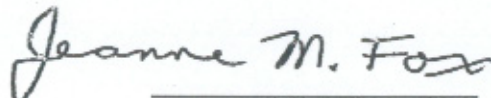
While this matter was pending at the OAL, the parties engaged in negotiations and entered into and executed a Stipulation of Dismissal (Stipulation) that was signed on August 4, 2009, and was subsequently submitted to the ALJ along with a letter from the Petitioner dated August 8, 2009, to OAL requesting that the matter be dismissed as a settlement had been reached. By Initial Decision issued on August 19, 2009, and submitted to the Board on August 26, 2009, ALJ Moscovitz found that the Stipulation was voluntary, that its terms fully disposed of all issues in controversy and that it met the requirements of N.J.A.C. 1:1-19.1.

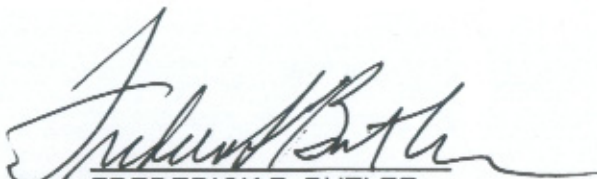
Pursuant to the terms of their settlement, Respondent has agreed to allow the Petitioner to pay the outstanding balance of \$873.39 in 21 equal monthly increments of \$40.00 and one payment of \$33.39 in addition to current monthly bills. It was further agreed that, commencing in September of 2009, Petitioner will be placed on a budget payment plan of \$100.00 per month as her current monthly usage.

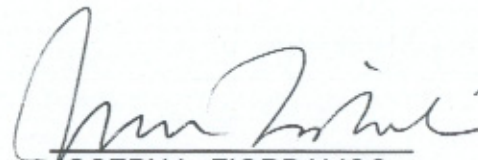
After review and consideration of the Initial Decision and the Agreement of the parties, the Board HEREBY FINDS that, by the terms of the Stipulation of Dismissal, the parties have resolved all outstanding contested issues. Accordingly, the Board HEREBY ADOPTS the Initial Decision and Stipulation of Dismissal of the parties in their entirety as if fully set out herein. This matter is therefore deemed to be DISMISSED with prejudice.

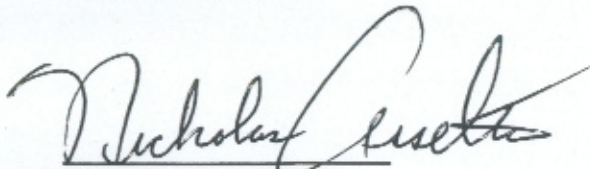
DATED: 9/16/09

BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT

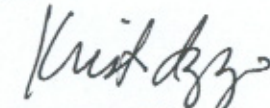

FREDERICK F. BUTLER
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

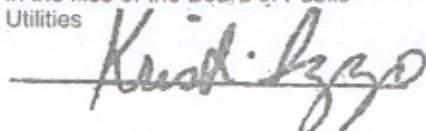

NICHOLAS ASSELTA
COMMISSIONER


ELIZABETH RANDALL
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities



KELLY E. JONES

v.

ELIZABETHTOWN GAS COMPANY

**BPU Docket No. GC07010020U
OAL Docket Nos. PUC12717-07 & PUC07830-07**

SERVICE LIST

Kelly E. Jones
9 Glenside Road
Annandale, New Jersey 08801

Mary Patricia Keefe, Esq.
Elizabethtown Gas Company
300 Connell Drive, Suite 3000
Berkeley Heights, New Jersey 07922

Eric Hartsfield, Director
Julie Ford-Williams
Division of Customer Assistance
Board of Public Utilities
Two Gateway Center
Newark, New Jersey 07102

Caroline Vachier, DAG
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07102



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

2009 AUG 26 PM 2:17
BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

CMS
BESLOW
DIAG.
RPM

~~TOPS WILLIAMS~~
(2)

INITIAL DECISION

DISMISSAL

OAL DKT. NO. PUC 12717-07
AGENCY DKT. NO. GC07010020U

KELLY E. JONES,

Petitioner,

v.

ELIZABETHTOWN GAS COMPANY,

Respondent.

ON REMAND

OAL DKT. NO. PUC 07830-07

Kelly E. Jones, pro se

Mary Patricia Keefe, Esq., for respondent

Record Closed: August 14, 2009

Decided: August 19, 2009

BEFORE BARRY E. MOSCOWITZ, ALJ:

On December 27, 2007, the Board of Public Utilities (PUC) transmitted this case to Office of Administrative Law (OAL) under N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F1 to -13. On July 30, 2009, the OAL held a prehearing conference and scheduled the case for a telephone conference.

Before the OAL held the telephone conference, the parties settled the case. On August 8, 2009, petitioner wrote a letter to the OAL enclosing the terms of the settlement

and a stipulation of dismissal. Both the terms of the settlement and the stipulation of dismissal are attached to this initial decision.

Having reviewed these documents, I **FIND** that the parties entered into the settlement voluntarily. I base this finding upon the respondent's signature to the letter containing the terms of the settlement as well as the parties' signatures to the stipulation of dismissal. Given this finding, I **CONCLUDE** that the settlement disposes of all issues in controversy and that this case should be dismissed.

ORDER

I **ORDER** that this case be **DISMISSED** with prejudice.

I hereby **FILE** my initial decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

This recommended decision may be adopted, modified or rejected by the **BOARD OF PUBLIC UTILITIES**, which by law is authorized to make a final decision in this matter. If the Board of Public Utilities does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

8/19/09

DATE


BARRY E. MOSCOWITZ, ALJ

Date Received at Agency: 8/26/09
Date Mailed to Parties: 
dr AUG 20 2009

August 19, 2009

DIRECTOR AND
CHIEF ADMINISTRATIVE LAW JUDGE

Kelly Jones
Oak Knoll Village
900 Glenside Drive
Annandale, NJ 08801
OFFICE OF ADMINISTRATIVE LAW

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August 8, 2009

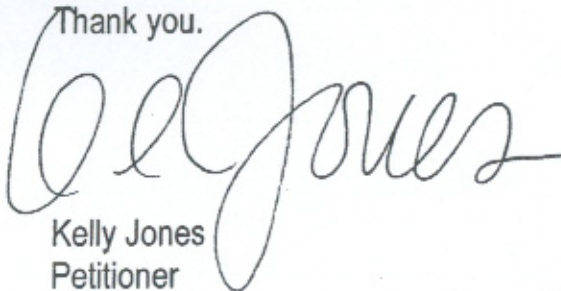
State of New Jersey
Office of Administrative Law
124 Halsey Street
Newark, NJ 07102

Re: OAL Docket No. PUC7830-2007N
BPU Docket No. GC07010020U
Kelly Jones v. Pivotal Utilities Holdings, Inc. d/b/a Elizabethtown Gas

To Whom It May Concern;

Please dismiss my complaint in this case as we have reached an agreement.

Thank you.


Kelly Jones
Petitioner

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Elizabethtown Gas

300 Connell Drive, Suite 3000
Berkeley Heights, NJ 07922
908 289 5000 phone
www.elizabethtowngas.com

RECEIVED
STATE OF NJ
OFFICE OF
2009 AUG 18 A 9:20

July 31, 2009

Ms. Kelly E. Jones
9 Glenside Road
Annandale, NJ 08801

Re: Kelly e. Jones vs. Elizabethtown Gas
OAL Docket No. PUCC 12717 2007N
GC 07010020U


Dear Ms. Jones:

Pursuant to the agreement reiterated on yesterday's conference call with Barry Moscovitz, ALJ, Elizabethtown Gas has agreed to allow you to pay the balance of \$873.39 in monthly increments of \$40.00 over a twenty-two (22) month period in addition to the current amount of your monthly bill.

Further, commencing in September of 2009, you will be placed on a budget payment plan of \$100.00 per month for your current usage. A letter generated by the Company's billing system will be sent to you shortly which will explain the budget payment plan and confirming your participation at \$100.00 per month. The budget plan will not include the \$40.00 payment. Therefore, you will pay the budgeted amount in addition to the agreed upon \$40.00 deferred payment.

If this is also your understanding, kindly execute the Stipulation of Dismissal and forward to Judge Moskowitz with a copy to me; or, if you prefer, you may forward it to me and I will file it the Office of Administrative Law and return an executed copy to you at the above address.

Very truly yours,


Mary Patricia Keefe
Vice President Regulatory Affairs

Cc; Barry Moscovitz, ALJ
Encl.

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2007 AUG 18 A 9:25

OFFICE OF ADMIN LAW
FILED

2009 AUG 14 A 10:24

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

Kelly E. Jones,)
Petitioner)
v.)
Pivotal Utility Holdings Inc. d/b/a)
Elizabethtown Gas,)
Respondent.)

OAL Docket No. PUC7830-2007N
BPU Docket No. GC07010020U

STIPULATION OF DISMISSAL

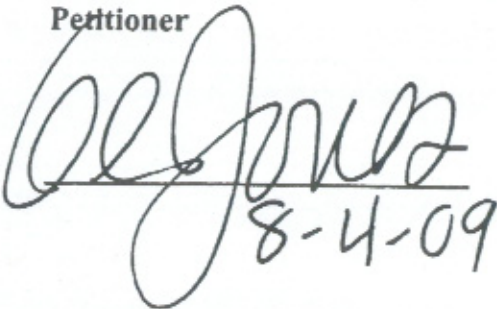
On January 12, 2007 ("Petitioner") filed a formal complaint with the New Jersey Board of Public Utilities alleging that Pivotal Utility Holdings Inc. d/b/a Elizabethtown Gas ("Elizabethtown") failed to establish an account with Petitioner. Petitioner contested the bill remitted by Elizabethtown upon establishment of the account in the amount of \$1246.31. The case was transmitted to the Office of Administrative Law ("OAL") as a contested case.

A pre-hearing conference was held by Administrative Law Judge Barry Moscovitz on June 30, 2008. Several additional conferences were held. An offer of settlement was made by Elizabethtown to credit Petitioner's account at 9 Glenside Drive in Annandale, New Jersey with \$250.00 and enter a deferred payment arrangement for the balance of the contested amount which is now \$873.39 to be paid in twenty-one equal installments of \$40.00 and one payment of \$33.39 ("the deferred payments"). In addition, Petitioner shall be placed on a budget payment plan of \$100.00 in September for her current gas usage. Petitioner agrees to pay the deferred payments in addition to budget payment. Petitioner accepted Elizabethtown's offer and no longer wishes to pursue the complaint. Accordingly, Petitioner and Elizabethtown hereby stipulate and agree that Petitioner's complaint will be dismissed with prejudice.

Wherefore, Petitioner and Elizabethtown hereby request that the Presiding Administrative Law Judge adopt this Stipulation of Dismissal and that Petitioner's complaint in this proceeding be dismissed with prejudice.

Petitioner

By:


8-4-09

Pivotal Utility Holdings, Inc. d/b/a
Elizabethtown Gas

By:


MARY PATRICIA KEEFE
Vice President Regulatory Affairs

Dated: August , 2009



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW
33 Washington Street
Newark, NJ 07102
(973) 648-6008

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JUL 26 2009
BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

A copy of the administrative law
judge's decision is enclosed.

This decision was mailed to the parties
on AUG 20 2009